

AO 91 (Rev. 5/85) - Criminal Complaint

United States District Court

FILED

MAY 12 AM 10:25

NORTHERN

DISTRICT OF

CALIFORNIA
RICHARD W. WICKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Oscar AVALOS-Sanchez

08-70277 PVT

CASE NUMBER:

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, April 29, 2008, in Monterey County in the Northern District of California defendant(s)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326
I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty years imprisonment and \$100.00 special assessment fee and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:


ASSISTANT UNITED STATES ATTORNEY
Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

May 12, 2008
Date

at

San Jose, California

City and State

Patricia V. Trumbull
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer


Signature of Judicial Officer

RE: Oscar AVALOS-Sanchez

A76 684 894

I, Timothy F. Purdy, am a Deportation Officer of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE). I have been employed by this agency, U.S. Customs & Border Protection (CBP) and the former Immigration and Naturalization Service (INS), since October 1, 2002. I am currently assigned to the Criminal Alien Program at the San Jose, California Sub-Office. In such capacity, I have reviewed the official immigration "A-File" relating to the above named defendant, which attests to the following:

- (1) The DEFENDANT Oscar AVALOS-Sanchez, also known as Oscar SANCHEZ, in addition to twenty-five other alias's, is a 35 year-old single male, citizen and native of Morelia, Michoacan, Mexico, born on October 2, 1973, (additional DOB's include: February 2, 1965 as well as five others), as substantiated by seven sworn statements made to that effect by the DEFENDANT during an interviews conducted on the following dates: September 3, 1998, June 19, 2001, February 5, 2003, August 1, 2006, April 16, 2007, September 14, 2007 and again on April 29, 2008 by Immigration Enforcement Agent (IEA) Patrick Malate at Monterey County Jail in Salinas, California;
- (2) The DEFENDANT has been assigned Alien Registration number of A76 684 894, FBI number of 604608WA8, and California Criminal State ID Number of A09447309;
- (3) On July 6, 1995, the DEFENDANT was convicted in the Superior Court of California/County of Santa Cruz of the following offense: BATTERY, a misdemeanor, in violation of California Penal Code Section 242 and sentenced to ninety days in jail;
- (4) On October 20, 1995, the was convicted in the Superior Court of California/County of Santa Cruz of the following offense: BURGLARY, a misdemeanor, in violation of California Penal Code Section 459 and sentenced to one-hundred and twenty days in jail;
- (5) On April 18, 1997, the DEFENDANT was convicted in the Superior Court of California/County of Santa Cruz of the following offense: POSSESSION OF A CONTROLLED NARCOTIC SUBSTANCE/HEROIN, a felony, in violation of California Health and Safety Code Section 11350(A) and sentenced to ninety days in jail;
- (6) On October 14, 1997, the DEFENDANT was determined to be unlawfully present in the United States by the EOIR Immigration Judge, Eloy, Arizona and ordered deported from the United States to Mexico;

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- (7) On March 23, 1998 the DEFENDANT was convicted in the Superior Court of California/County of Santa Cruz of the following offense: POSSESSION OF A CONTROLLED NARCOTIC SUBSTANCE/HEROIN, a felony, in violation of California Health and Safety Code Section 11350(A) and sentenced to three years in prison;
- (8) On June 6, 2000, the DEFENDANT was determined to be unlawfully present in the United States by the District Director, INS San Francisco, California and ordered deported from the United States to Mexico;
- (9) On June 20, 2001, the DEFENDANT was determined to be unlawfully present in the United States by the District Director, INS San Francisco, California and ordered deported from the United States to Mexico;
- (10) On February 14, 2003, the DEFENDANT was determined to be unlawfully present in the United States by the District Director, INS Chicago, Illinois and ordered deported from the United States to Mexico;
- (11) On August 1, 2006, the DEFENDANT was determined to be unlawfully present in the United States by the Field Office Director, ICE San Francisco, California and ordered deported from the United States to Mexico;
- (12) On April 17, 2007, the DEFENDANT was convicted in the United States District Court/Southern District of California of the following offense: ILLEGAL ENTRY INTO THE UNITED STATES, a misdemeanor, in violation of Title 8 United States Code, Section 1325 and sentenced to ninety days in federal prison;
- (13) On July 13, 2007, after serving ninety days for a violation of Title 8 USC, Section 1325, the DEFENDANT was determined to be unlawfully present in the United States by the Acting Patrol Agent-In-Charge, U.S. Border Patrol, Yuma, Arizona and ordered deported from the United States to Mexico;
- (14) On August 10, 2007, the DEFENDANT was determined to be unlawfully present in the United States by the Acting Patrol Agent-In-Charge, U.S. Border Patrol, Calexico, California and ordered deported from the United States to Mexico;

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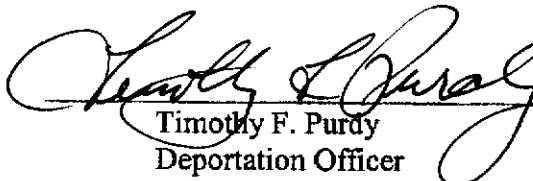
A76 684 894

- (15) On September 7, 2007, the DEFENDANT was determined to be unlawfully present in the United States by the Acting Patrol Agent-In-Charge, U.S. Border Patrol, Calexico, California and ordered deported from the United States to Mexico;
- (16) On September 13, 2007, the DEFENDANT was determined to be unlawfully present in the United States by the Field Operations Supervisor, U.S. Border Patrol, in Nogales, Arizona and ordered an Expedited Removal of the DEFENDANT from the United States to Mexico;
- (17) On April 28, 2008, the DEFENDANT was arrested by the Salinas, California Police Department for the following offense: POSSESSION OF A CONTROLLED NARCOTIC SUBSTANCE/HEROIN, a felony, in violation of California Health and Safety Code Section 11350(A). These charges were dismissed on May 8, 2008 and the DEFENDANT will be released to the custody of DRO/ICE San Jose, California on May 9, 2008;
- (18) On, April 29, 2008, the DEFENDANT was encountered by IEA Malate, at the Monterey County Jail and determined to be unlawfully present in the United States after a prior deportation. IEA Malate then advised the DEFENDANT his **Miranda** rights in the English language. After the reading of his **Miranda** rights, the DEFENDANT provided a written statement admitting alienage;
- (19) On April 29, 2008, the DEFENDANT provided his right thumb and right index fingers with his sworn statement. A latent print examiner with the Santa Clara County Sheriff's Department conducted a comparison of those same fingerprints on the copies of the executed Warrants of Deportation and his existing fingerprints on file. The latent print examiner determined that the fingerprints were identical and were those of DEFENDANT Oscar AVALOS-Sanchez;
- (20) The DEFENDANTS official A-File does not contain any record or indication that he either requested or received permission from the Secretary of the Department of Homeland Security or the Attorney General of the United States to reenter the United States;

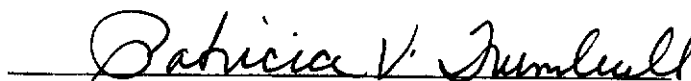
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- (21) Based on the above stated information, this Officer believes there is sufficient probable cause that the DEFENDANT is present within the United States in violation of Title 8, United States Code, Section 1326.


Timothy F. Purdy
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 12 day of May, 2008


Patricia V. Trumbull
UNITED STATES MAGISTRATE JUDGE